

REMARKS

The Final Office Action mailed March 5, 2010 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Amendment to Claims 1 and 12

Claims 1 and 12 have been amended as discussed below. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant argues herein that such amendment is made to distinguish over a particular identified reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments or aspects of Applicant's invention.

Rejection(s) Under 35 U.S.C. §103(a)

Claims 1-15 and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pawliszyn (U.S. pat. no. 4,940,333).

The Examiner states that Pawliszyn describes many of the elements of independent claims 1 and 12, and asserts that the remaining elements relating to the length of the transparent pipe or flow rate are obvious. However, Pawliszyn does not describe or teach all the limitations of amended claims 1 and 12. In particular, Pawliszyn does not disclose or teach that the T-shaped branch has a first input for receiving the sample, a second input for receiving the reagent, and an output which is connected to the reaction loop. In addition, Pawliszyn does not disclose or teach that light is filtered, then passed through the transparent pipe to reveal the characteristics of the sample. Rather, in Pawliszyn the detector 68 is a beam position detector, which measures the deflection of a light beam as it passes through the capillary tube (see col. 5, ll. 61-64; col. 9, ll. 56-62).

Claims 2-11, 13-15, and 17 variously depend, directly or indirectly, from the base claims 1 and 12 addressed above. Accordingly, these dependent claims, which by definition include all the limitations of the base claims, are patentable over Pawliszyn. In addition, as to claim 9, Pawliszyn does not disclose linear detection along the length of the reaction loop. Col. 6, l. 60 to col. 7, l. 33 and Fig. 7 describe a time plot taken at one location in the capillary tube over time, not at multiple locations along the tube. Thus, Pawliszyn does not make possible the creation of

a space and time plot. As to claim 11, the sensor described by Pawliszyn is not configured to be movable along the reaction tube. Rather, quite the opposite: Pawliszyn teaches that the sensor is “glued” to a single position along the capillary tube (col. 5, l. 54).

Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pawliszyn and further in view of Pollema et al (U.S. Pat. No. 5,849,592). As claim 16 depends upon independent claim 12, it by definition includes all the limitations of claim 12, and is accordingly patentable over Pawliszyn and Pollema.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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